

From: [Jensen, Jaime C CIV USN NAVFAC NW SVD WA \(USA\)](#)
To: [Vakoc, Misha](#)
Cc: [Bengtson, Melanie L CIV USN NAVFAC NW SVD WA \(USA\)](#); [Jabloner, Matthew L CIV USN \(US\)](#); [Jiang, Judy L CIV USN NAVFAC NW SVD WA \(USA\)](#)
Subject: RE: EPA Invites Public Comment on Draft Permits for Municipal Stormwater Discharges from Naval Air Station Whidbey Island, Naval Station Everett, and Naval Base Kitsap
Date: Thursday, November 14, 2019 4:13:37 PM
Attachments: [MS4 DRAFT PERMIT REVIEW COMMENTS AND COVER LTR NASWI.pdf](#)

Good afternoon,

I am submitting comments on behalf of Naval Air Station Whidbey Island (NAS Whidbey Island) regarding the Draft MS4 Permit. Please see the attached word document with our comments.

Thank you,

Very respectfully,

Jaime Jensen
Environmental Scientist
NASWI PWD/Environmental
Water Program Manager
Phone: (360)257-5631

From: Vakoc, Misha <Vakoc.Misha@epa.gov>
Sent: Monday, September 30, 2019 2:03 PM
To: Vakoc, Misha <Vakoc.Misha@epa.gov>
Subject: [Non-DoD Source] EPA Invites Public Comment on Draft Permits for Municipal Stormwater Discharges from Naval Air Station Whidbey Island, Naval Station Everett, and Naval Base Kitsap

Hello,

You are receiving this message because you've previously indicated interest in the EPA Region 10's municipal stormwater permitting program. Our apologies if you receive this message more than once. To be removed from this email list, please reply to this message.

The Environmental Protection Agency, Region 10, is proposing to issue National Pollutant Discharge Elimination System (NPDES) permits to the U.S. Navy in Washington State for discharges from their municipal separate storm sewer systems (MS4s) at the following Navy facilities:

[Naval Air Station Whidbey Island](#) – NPDES Permit #: WAS026611

[Naval Station Everett](#) – NPDES Permit #: WAS026620

[Naval Base Kitsap](#) - NPDES Permit #: WAS026646

Comments on each draft permit will be accepted through November 14, 2019.

The draft permits and supporting documents may also be accessed through this EPA Region 10 webpage: <https://www.epa.gov/npdes-permits/stormwater-discharges-municipal-sources-idaho-and-washington>

Please pass this announcement to others who may be interested. Thank you.

Questions? Contact Misha Vakoc, EPA Region 10, at (206) 553-6650 or via email at vakoc.misha@epa.gov

14 November 2019

US EPA Region 10
Attn: Director, Water Division
1200 Sixth Avenue, Suite 155 (WD-19-C04)
Seattle, WA 98101-3140

Dear Ms. Vakoc:

SUBJECT: COMMENTS TO EPA ON PROPOSED NPDES MUNICIPAL STORMWATER
PERMIT WAS026611

The purpose of this letter is to submit comments to the proposed municipal stormwater permit for Naval Air Station (NAS) Whidbey Island.

If you require further information, please contact Jaime Jensen, NASWI Environmental Water Program Manager, at 360-257-5631 or jaime.c.jensen@navy.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melanie Bengtson".

M. L. BENGTON
Environmental Director
Naval Air Station Whidbey Island

Enclosure: 1. NAS Whidbey Island comments to proposed NPDES Permit WAS026611

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Item #	Page	Section	Topic	Comment
1.	1	Front page	Regulatory scope/authority. Groundwater	Please remove "including groundwater". The Clean Water Act does not extend to discharges to groundwater (per 40 CFR 122.2).
2.	6	1.2	Discharges Authorized Under this Permit	Please remove "and to groundwater of the State of Washington ".
3.	6	1.3.1	Compliance with Water Quality Standards	Please remove "groundwater standards (Chapter 173-200 WAC), sediment quality standards (Chapter 173-204 WAC)." The CWA does not extend to discharges to groundwater. Likewise, the CWA does not address sediment in the context included in the draft permit.
4.	6	1.3.1	Compliance with Water Quality Standards	Please delete "and other appropriate requirements of State law." The scope of the statement is ambiguously broad. Nor do we see this requirement in the 401 Certification.
5.	6	1.3.1	Compliance with Water Quality Standards	Please change this section to: "If the Permittee complies with the terms and conditions of this Permit, the Permittee is not causing or contributing to an exceedance above the State of Washington's water quality standards. If the Permittee finds that there has been a discharge that clearly has degraded water quality, the required response by the Permittee is set forth in Part 4 (Required Response to Violation of Water Quality Standards.)" Water quality standards apply to the whole of a water body. "Connecting" water quality standards to a sole permittee/discharge is an unreasonably large burden for the permittee. The role of the permit is to link the broader water quality standards to specific point source discharge.
6.	6	1.3.3	Stormwater discharges associated with industrial and construction activity.	Please delete this section. It holds equally true if included in the permit or not. There is no functional reason to include.
7.	7	1.3.4.2	Stormwater discharges originating from emergency firefighting activities	Please edit to read "not after the emergency has ceased as determined by the Fire Chief or On-scene leader". The Fire Chief or On-scene leader manages emergencies and has the knowledge to determine when the emergency has ceased.
8.	10	1.5.1.4	Equivalent Documents, Plans, or Programs	This section requires Ecology approval of equivalent documents. Please delete the Ecology approval requirement. Approval is a function of NPDES program primacy, which Ecology does not have.
9.	11	1.5.2	Equivalent Documents, Plans, or Programs	Please remove this section. Covered under Section 6.13, Re-Opener clause.
10.	11	1.5.3	Equivalent Documents, Plans, or Programs	Please remove this section. Covered under Section 6.13, Re-Opener clause.

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11.	13	2.1.2.	SRKW Outreach	Please change "ongoing" to "annual" in the two instances it occurs in this section. "Ongoing" can imply a steady level of involvement throughout the year. "Annual" is more in-keeping with the effort the Navy envisions.
12.	13	2.1.2.	SRKW Outreach	Please change the sentences starting with "The program should..." Please remove "3) identify and facilitate robust and implementable solutions." This statement does not track with an outreach and education effort. Additionally, it is premature since the Biological Opinion is not complete.
13.	14	2.2.1	Public Notice	Please delete this section since it holds equally true if included in the permit or not.
14.	14	2.2.4	Volunteer Activities	Please include the Kitsap Water Festival and Earth Day events as an example volunteer activity. These are local activities already familiar to the Navy.
15.	15	2.3.1	Map of MS4 Areas	Please include ", as appropriate given allocated resources and in consideration of water quality impacts" after the statement "must be mapped for all known outfalls..."
16.	17	2.3.2.2.5	Stormwater accumulating in utility vaults AND secondary containment units	Please include discharges from secondary containment units (berms) with this section. Discharges from these units, after sampling and visual inspection, are unlikely to cause water quality impairment.
17.	20	2.4	New Development and Redevelopment	The terms New Development and Redevelopment are applicable to public entities such as cities and counties. Since we own and operate our facilities, the terms are not applicable to the Navy. No change requested.
18.	20	2.4.2	Policy	Please remove this section (2.4.2, 2.4.2.1, and 2.4.2.2). We are the sole owners and operators of our facilities. Enforcement authority is implicit in facility ownership. Furthermore, in this context, the Navy would refer to this type of direction as an "Instruction". Please include language acknowledging both terms as equivalent.
19.	20	2.4.2.3.	Airport Operation Areas	Please remove this section (regarding airport operations) for Naval Base Kitsap and Naval Station Everett. Neither conducts air operations. For Naval Air Station Whidbey Island, we will consult the noted reference but our overriding policy is, and will continue to be, Navy air operation policy.
20.	22	2.4.4.	Early Action Projects and Stormwater Infrastructure Investment Plan for Naval Air Station Whidbey Island	The word "Investment" is in the title and "Improvement" in the text. Please edit for consistency. Note, permit is unclear on how Permittee shall record identified EAPs within one year of the effective permit date. Per Navy discretion, identified EAPs shall be included in the SWMP.
21.	22	2.4.4.1	Infrastructure Improvement Plan	We are concerned this section will result in disagreement with the parties mentioned and make Plan finalization challenging. Possibly pushing us into a non-compliance position. We would like to discuss

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				ways to accomplish the intent of this section in a way to minimize disagreement and/or delay. The Navy may need to rely on "to the extent possible" to get this complete within the timeframe specified.
22.	22	2.4.4.2	Pollutants of Concern	This section, particularly Table 2.4.4, is premature since the Biological Opinion is not complete/available. We suggest deleting this section and instead holding a meeting of EPA, Navy, and the Services once the Biological Opinion is complete. At that meeting, we will define pollutants of concern. Following the meeting, the Navy will determine how to address them. After the meeting, the Navy will finalize the Plan and submit it to EPA.
23.	23	2.4.4.3	Available Data	While we understand the intent of this and section 2.4.4.4, the Navy is concerned it is not achievable. It is big technical/scientific step to: (1) examine a variety of stormwater data sources, (2) determine our water quality impacts, and then (3) determining necessary structural stormwater control measures. Even if we were to hire a consultant, the task is complex and perhaps the result would lack the connections the permit seeks. We would like the permit to specify a partner in this effort or perhaps a strategic meeting to help us get on the smart path.
24.	24	2.4.5	Training	Please change "all" to "key" staff. "Key" is more appropriate since our staffing in this area is large and we may choose to target training to staff that hold directive authority.
25.	26	2.5.1.3	Enforceable Mechanism	The Navy inherently has this enforcement mechanism in-place since we own and operate our facilities. Please remove this section.
26.	27	2.5.5	Compliance	Please remove "total universe of." This language is unnecessary.
27.	28	2.5.6	Nutrient and pest management plans	Please remove "including the development of nutrient management and integrated pest management plans." We have/implement pest management plans but not nutrient management plans. Application of pesticide/herbicide to waters of the US would require a separate NPDES permit, which we have obtained in the past. While the scope of an Integrated Pest Management plan includes water quality concerns, their scope is much broader. Requiring it is beyond the scope of this permit. Is there a specific nutrient concern? If not please remove the requirement for developing the plans.
28.	28	2.5.8	Training	Please remove "on-going" as it implies a higher level of involvement than the balance of the section indicates.
29.	28	2.5.9	Stormwater Pollution Prevention Plans for Equipment Maintenance/Material Storage Yards	Most (perhaps all) of our equipment maintenance yards are already included in our industrial SWPPPs. Any that are not will likely be included in our industrial SWPPPs when updated next. No change requested.

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30.	30	3.2.	Monitoring Options	Please modify this section so we can switch between Options 1 to Option 2 at any time during permit term with prior notice to EPA. Option 2 is our preference, but it will be a challenge to join. The extra time/flexibility would be beneficial for us to implement a monitoring option that will work.
31.	31	3.3.5	Pollutants of Concern	<p>Add "if long term monitoring... are not detected at levels of concern in MS4 discharges." Many of the pollutants of concern can be detected at very low (trace) levels and not be a concern. In such a case, it will be most effective to stop long term monitoring and concentrate efforts on higher priority pollutants.</p> <p>Please remove flow as a pollutant of concern. Flow values could be helpful in evaluating other pollutants of concern but flow is not inherently a pollutant. An additional concern is that stormwater flow is variable and hard to measure.</p> <p>For NBK Bangor we would like EPA to consider using overall stormwater volume discharged as a surrogate indicator for effective stormwater management (vice pollutants of concern). Stormwater quality improvement will be via LID and landscape management techniques, which will reduce discharge volume. As stormwater volumes decreases pollutant loadings decrease. As stormwater volumes decrease the hydraulic profile gets closer to the predevelopment condition.</p>
32.	32	3.3.6.1	Flow Monitoring	Requesting additional language for the ability to estimate flow vice measuring it. Estimating flow is a more achievable output for the Navy while maintaining the intent of this section for monitoring.
33.	33	3.3.9	Quality Assurance Requirements	Please remove the details of what must be included in the QAPP. The referenced documents are specific. Please remove the reference to Ecology document 04-03-030. The Navy is concerned about conflicting guidance and prefers EPA guidance documents.
34.	34	3.3.9.2	QAPP Procedures	Please remove guidelines for preparing QAPP.
35.	34	3.4.1	Stormwater Action Monitoring (SAM)	Please add verbiage so we can participate in the SAM program at any point during the permit term. We favor this option, however, joining SAM will be difficult and we would appreciate more time to join. Please also remove the last phrase of the paragraph starting "and be a fully participating member of SAM within 1 year..." for similar reasons.
36.	34	3.6	Recordkeeping	Please remove "Freedom of Information Act" wording. The language is true regardless of inclusion in the permit.
37.	36	3.7.2.2.4	Certification	Please include the following for this section: "Provisions herein should not be interpreted to require obligations or payments of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341." The Navy will commit to complying with this permit with the funds and resources it is allocated.

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38.	37	4	Violations of Water Quality Standards	The notification threshold of “credible site-specific information” is sufficiently ambiguous that we could incur liability based on supposition. Please remove section 4. Section 5 addresses the specifics of the permit and outlines what will happen if we falter. We have control of specific permit conditions and if we achieve them adequately will address water quality concerns. As section 1.3.1 states, “If the permittee complies with all the terms and conditions of this Permit, it is presumed that the Permittee is not causing or contributing to an exceedance above the State of Washington’s water quality standards.”
39.	40	5.5	Operation and Maintenance	Please remove this section as it conflicts with section 2.5.1.2 and appears to be related to wastewater treatment plant operations.
40.	41	5.6	Toxic Pollutants	Please remove, as the EPA cannot implement this requirement without modifying the permit.
41.	41	5.7	Planned Changes	This permit will regulate a variety of stormwater infrastructure. That infrastructure requires somewhat frequent planned changes. Please clarify the second bullet so we can more confidently provide notification at a standard that EPA intends. Perhaps a dollar threshold of \$50,000 for an individual treatment device is applicable. Suggest that storm sewer piping system work would not require notification.
42.	42	5.10	Bypass of Treatment Facilities	Stormwater treatment devices have, by design, built in bypass mechanisms. Request this section acknowledge that. Please include a statement that by-design bypass is not subject to this section.
43.	43	5.11	Upset Conditions	This section is applicable to wastewater treatment plants not stormwater infrastructure. Please delete this section.
44.	46	6.10	State/Tribal Laws	This section is equally factual if included in the permit or not. Please delete.
45.	46	6.11	Oil and Hazardous Substance	This section is equally true if included in the permit or not. Please delete.
46.	62	Appendix B Annual Report Template	Public Involvement/Participation	Please include a not applicable check box “N/A” for item 15.
47.	77	Appendix D Section D.2	Street Waste Liquids	Please change “connected to a Public Owned Treatment Works (POTW)” to “connected to a Public Owned Treatment Works (POTW) or Navy Owned Treatment Works (NOTW)”